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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,968	02/25/2004	Connie June Colman	47004.000276	8475
21967 7590 01/14/2008 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER FIELDS, BENJAMIN S	
			ART UNIT 3692	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,968	Applicant(s) COLMAN ET AL.	
	Examiner BENJAMIN S. FIELDS	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>13 July 2004; 14 July 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1, 45, and 89-94 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. Referring to Claims 1, 45, and 89-94: Claims 1, 45, and 89-94 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 45, and 89-94 are directed toward a computer program product with computer-readable program code and such claims do not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter). When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory [See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”)]. When nonfunctional descriptive material is recorded on some computer-readable

medium, in a computer or on an electromagnetic carrier signal, it is not statutory. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer [See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory)]. Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process, and as such is nonstatutory functional descriptive material.

Claims 1, 45, and 89-94 are directed to computer software, embodied in a propagated carrier signal. Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena [O'Reilly, 56 U.S. (15 How.) at 112-14]. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the

categories of patentable subject matter set forth in §101.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 7-13, 15-17, 19-25, 29-35, 37-39, 41-47, 51-57, 59-61, 63-69, 73-79, 81-83, and 85-94 are rejected under 35 U.S.C. 102(e) as being anticipated by Mahoney et al. (US Pat. No. 7,287,008), [hereinafter Mahoney].

Referring to Claim 1: Mahoney discloses a method for real estate loan administration comprising the steps of: registering with a system for real estate loan administration wherein at least one loan is identified (Mahoney: Figure 1; Column 2, Lines 15-24); identifying one or more participants associated with the at least one loan to join the system for real estate loan administration (Mahoney: Figure 1; Column 2, Lines 15-24); assigning one or more of privileges and roles to each of the one or more participants; managing the at least one loan via the system through an online interface wherein data associated with the at least one loan may be accessed and viewed according to user input (Mahoney: Figure 2; Column 2, Lines 25-58; Column 3, Lines 5-

15); and performing one or more actions concerning the at least one loan wherein the one or more actions involve submitting information to a receiving entity (Mahoney: Column 10, Lines 44-60).

Referring to Claim 2: Mahoney teaches a method wherein the step of managing further comprises the step of: accessing loan data specific for the at least one loan wherein loan data comprises one or more of insurance data, interest data and budget summary data (Mahoney: Column 2, Line 59-Column 3, Line 4; Column 8, Lines 55-64).

Referring to Claim 3: Mahoney discusses a method wherein the step of managing further comprises the step of: accessing collateral data associated with the at least one loan (Mahoney: Column 4, Line 65-Column 5, Line 12).

Referring to Claim 7: Claim 7 parallels the limitations of Claim 2. As such, Claim 7 is rejected under the same basis as is Claim 2 as mentioned supra.

Referring to Claim 8: Mahoney discusses a method further comprising the step of: requesting one or more reports to be generated for the at least one loan based on one or more user defined specifics (Mahoney: Column 5, Lines 13-47; Column 12, Line 58-Column 13, Line 8).

Referring to Claim 9: Mahoney shows a method wherein the step of performing one or more actions comprises the step of: adding collateral data for at least one new collateral associated with the loan (Mahoney: Column 8, Lines 55-64).

Referring to Claims 10-13: Claims 10-13 reflect the limitations of Claim 3. As such, Claims 10-13 are rejected under the same basis as is Claim 3 as mentioned supra.

Referring to Claim 15: Claim 15 parallels the limitations of Claims 3 and 11. As such, Claim 15 is rejected under the same basis as are Claims 3 and 11 as mentioned supra.

Referring to Claim 16: Mahoney shows a method further comprising the step of: updating data associated with the at least one loan; specifying one or more filters to be applied to the updated data; and exporting the filtered updated data from the system for real estate loan administration to a remote device (Mahoney: Column 5, Lines 38-65).

Referring to Claim 17: Claim 17 reflects the limitations of Claim 11. As such, Claim 17 is rejected under the same basis as is Claim 11 as mentioned supra.

Referring to Claims 19 and 20: Claims 19 and 20 parallel the limitations of Claims 3 and 11. As such, Claims 19 and 20 are rejected under the same basis as are Claims 3 and 11 as mentioned supra.

Referring to Claim 21: Mahoney discusses a method wherein one or more documents may be shared simultaneously with the authorized one or more participants via a common online interface (Mahoney: Figures 1-2; Column 3, Lines 5-15).

Referring to Claim 22: Mahoney discloses a method wherein the receiving entity is a lender entity (Mahoney: Column 10, Lines 44-60).

Referring to Claims 23-25, 29-35, 37-39, and 41-44: Claims 23-25, 29-35, 37-39, and 41-44 are the system for the method of Claims 1-3, 7-13, 15-17, and 19-22. As such, Claims 23-25, 29-35, 37-39, and 41-44 are rejected under the same basis as are Claims 1-3, 7-13, 15-17, and 19-22 as mentioned supra.

Referring to Claims 45-47, 51-57, 59-61, and 63-66: Claims 45-47, 51-57, 59-61, and 63-66 teach methods which parallel the limitations of Claims 1-3, 7-13, 15-17, 19-25, 29-35, 37-39, and 41-44. As such, Claims 45-47, 51-57, 59-61, and 63-66 are rejected under the same basis as are Claims 1-3, 7-13, 15-17, 19-25, 29-35, 37-39, and 41-44 as mentioned supra.

Referring to Claims 67-69, 73-79, 81-83, and 85-90: Claims 67-69, 73-79, 81-83, and 85-90 are the system for the method of Claims 45-47, 51-57, 59-61, and 63-66. As such, Claims 67-69, 73-79, 81-83, and 85-90 are rejected under the same basis as are Claims 45-47, 51-57, 59-61, and 63-66 as mentioned supra.

Referring to Claims 91-94: Claims 91-94 are directed towards a signal embodied within a carrier wave for transmitting a computer program in order to execute the computer process of Claim 1. As such, Claims 91-94 are rejected under the same basis as is Claim 1 as mentioned supra.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-6, 14, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney.

Referring to Claim 4: Mahoney teaches the limitations Claim 1.

Mahoney, however, does not expressly discuss a method wherein the one or more actions comprise submitting one or more draw requests.

The Examiner notes, however, that within a method and system as taught by Mahoney, it would be obvious to include an option to facilitate draw requests.

At the time of invention it would have been obvious to modify the method of Mahoney for real estate loan application processing to include a draw request option.

Referring to Claim 5: Mahoney discusses the limitations Claim 1.

Mahoney, however, does not expressly teach a method wherein the one or more draw requests comprises line item draw requests.

The Examiner notes, however, that within a method and system as taught by Mahoney, it would be obvious to include an option to facilitate item draw requests.

At the time of invention it would have been obvious to modify the method of Mahoney for real estate loan application processing to include a line item draw request option.

Referring to Claim 6: Mahoney shows the limitations Claim 1.

Mahoney, however, does not expressly disclose a method wherein the one or more draw requests comprises unit draw requests for one or more of new starts and existing units.

The Examiner notes, however, that within a method and system as taught by Mahoney, it would be obvious to include an option to facilitate unit draw requests.

At the time of invention it would have been obvious to modify the method of Mahoney for real estate loan application processing to include a unit draw request option.

Referring to Claims 26-28: Claims 26-28 parallel the limitations of Claim 4. As such, Claims 26-28 are rejected under the same grounds as is Claim 4 as mentioned supra.

Referring to Claims 48-50: Claims 48-50 reflect the limitations of Claim 5. As such, Claims 48-50 are rejected under the same grounds as is Claim 5 as mentioned supra.

Referring to Claims 70-72: Claims 70-72 parallel the limitations of Claim 6. As such, Claims 70-72 are rejected under the same grounds as is Claim 6 as mentioned supra.

Referring to Claim 14: Mahoney discusses the limitations of Claim 1.

Mahoney, however, does not expressly discuss a method further comprising the step of: updating data associated with the at least one loan; and importing the updated data to a receiving entity.

The Examiner notes, however, that within a method and system as taught by Mahoney, it would be obvious to include an update data option to facilitate client/customer reception.

At the time of invention it would have been obvious to modify the method of Mahoney for real estate loan application processing to include an update data option to facilitate client/customer reception.

Referring to Claim 18: Mahoney teaches the limitations of Claim 1.

Mahoney, however, does not expressly discuss a method wherein the remote device comprises one or more of personal computer, personal digital assistant and wireless device.

The Examiner notes, however, that within a method and system as taught by Mahoney, it would be obvious to a method wherein a personal computer, personal digital assistant or a wireless device could be utilized as a remote device therein.

At the time of invention it would have been obvious to modify the method of Mahoney for real estate loan application processing to include wherein a personal computer, personal digital assistant or a wireless device to be utilized as a remote device.

Referring to Claims 36, 58, and 60: Claims 36, 58, and 60 reflect the limitations of Claim 14. Hence, Claims 36, 58, and 60 are rejected under the same basis as is Claim 14 as mentioned supra.

Referring to Claims 40, 62, and 84: Claims 40, 62, and 84 parallel the limitations of Claim 18. Hence, Claims 40, 62, and 84 are rejected under the same basis as is Claim 18 as mentioned supra.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tealdi et al. (US PG Pub. No. 2001/0029482) disclose an online mortgage approval and settlement system and method therefor.

Freeman et al. (US PG Pub. No. US 2002/0059137) show an online mortgage application processing and tracking system.

Schulkins (US PG Pat. No. 7,212,995) teaches a loan underwriting system and method.

Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY through THURSDAY, 9AM to 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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4 January 2008


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